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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

SAMANTHA L. SANDOVAL AND
DARIOUS (RANDY) SANDOVAL,

Plaintiffs

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY a.k.a. STATE
FARM FIRE AND CASUALTY
COMPANY, JOHN DOES I-X

Defendants.

**PETITION AND NOTICE OF
REMOVAL**

Civil No.: 1:21-cv-00171

Magistrate Judge Daphne A. Oberg

Defendant State Farm Mutual Automobile Insurance Company a.k.a. State Farm Fire and Casualty Company (incorrectly named) by and through counsel, hereby gives notice of the removal of the above-entitled action from the Second Judicial District Court of Weber County, State of Utah, to the United States District Court for the District of Utah, Northern Division. This petition and notice are made pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 (as well as DUCivR 81-2) and is proper and appropriate based upon the following:

1. Defendant State Farm has not been served with a Summons and Complaint in the action entitled *Sandoval v. State Farm*, Case No. 210904802 (2nd District Court, Weber County, State of Utah). A copy of Complaint filed in state court is attached hereto as Exhibit A. The state court docket sheet is attached as Exhibit B (there is no notice of event due dates from the court clerk).

2. Plaintiffs are residents of Weber County, State of Utah. (*See* Complaint at ¶ 0, Ex. A.) Upon information and belief, Plaintiffs are domiciled in Utah and not citizens of any jurisdiction other than Utah.

3. Defendant is an Illinois insurance company (incorporated in that state, with its principal place of business in Bloomington, IL) that conducts business in the State of Utah.

4. Removal of this action is proper under 28 U.S.C. § 1441(b). This Court has diversity jurisdiction over this matter since Defendant State Farm is a foreign corporation and Plaintiffs are residents and citizens of the State of Utah. In addition, Plaintiff seeks damages in excess of the required amount in controversy. This is shown by an October 11, 2021 letter in which Plaintiffs seek \$200,000 in uninsured motorist benefits from Defendant. Additionally, Plaintiffs have classified their Complaint in state court as Tier 2. (*See* Complaint, p. 1, Ex. A.) Plaintiffs seek UM contract benefits as well as extracontractual damages in the action. Though these issues are disputed, it establishes the amount in controversy exceeds \$75,000.

5. This Notice of Removal is filed timely because it is occurring before thirty (30) days after service of the Complaint, as required by 28 U.S.C. § 1441(b), and the removal is proper based upon diversity of citizenship of the parties. Accordingly, the requirements of 28 U.S.C. §§ 1332, 1441, and 1446 are met.

DATED this 23rd day of December, 2021.

STRONG & HANNI

/s/ Nicholas E. Dudoich

By _____

Andrew D. Wright
Nicholas E. Dudoich
Attorneys for State Farm

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2021, a true and correct copy of the foregoing **PETITION AND NOTICE OF REMOVAL** was served by the method indicated below, to the following:

Robert J. Fuller
FULLER LAW OFFICE
1090 North 5900 East
Eden, Utah 84310
Attorney for Plaintiffs

- ☐ U.S. Mail, Postage Pre-paid
- ☐ Hand Delivery
- ☐ Overnight/Expedited Mail
- ☒ E-mail
- ☒ CM/ECF Notification

/s/ Nicholas E. Dudoich

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